

Remarks

Claims 1-4, 6-8 and 39-42 are pending in this Application for patent. Claims 5, 9-38 have been previously canceled without prejudice. With this paper Claim 42 has been canceled without prejudice.

On page 2 of the Office Action mailed April 25, 2007, the Examiner suggested the term “cationic” be included before “quaternaryamine dispersant” in Claim 1. The Examiner further stated that the included term would be entered and considered by the Examiner in a reply after the final Office Action mailed April 25, 2007, in order to place the application in condition for allowance. Applicants thank the Examiner for the suggestion. Applicants submit amended Claim 1. The amendment does not introduce new matter or require further search on the part of the Examiner.

On page 2 of the Office Action mailed April 25, 2007, the Examiner suggested Applicants submit a declaration or affidavit under 37 C.F.R. 1.132 to declare unexpected or superior results of Applicants’ claimed invention that were disclosed to the Examiner in a prior interview with the Examiner held on October 19, 2005. The Examiner further stated that the declaration under 37 C.F.R. 1.132 would be entered and considered if submitted after the final rejection in order to place the application in immediate condition for allowance. Applicants thank the Examiner for such consideration. A declaration under 37 C.F.R. 1.132 is herewith provided with this paper. The declaration provides evidence of superior properties offered by Applicants’ invention, such properties not found in the prior art in which fibers are not pretreated and are part of an admixture. The Examiner is referred to Exhibit A that accompanies the declaration for a showing of superior properties. In view of the declaration and evidence, Applicants submit that the claimed invention is not anticipated or obvious in view of the references cited in the Office Action mailed April 25, 2007, such as U.S. Patent No. 6,346,146, U.S. Patent No. 6,506,248, U.S. Patent No. 6,676,745 alone or in combination with a secondary reference. None of the cited references teach or suggest pretreating fibers with a cationic quaternaryamine to improve dispersibility of the fibers or pretreating fibers before addition into

an admixture or slurry. In addition, none of the secondary references (e.g., Babachev, U.S. Patent No. 4,548,676, U.S. Patent No. 6,030,447 or U.S. Patent No. 6,346,146) teach or suggest pretreating fibers with a cationic quaternaryamine to improve dispersibility of the fibers or pretreating fibers before addition into an admixture or slurry. In the absence of any teaching, none of the references alone or combined show each and every element of Applicants' claimed invention. Moreover, in the absence of any specific teaching, there is no suggestion or motivation to combine references or that any combination would arrive at a successful product that may resemble Applicants' claimed invention. As such, there is no reasonable expectation of success. Consequently, the lack of suggestion or motivation to combine in addition to the lack of any expected success shows that the references, alone or combined, are not obvious over the claimed invention. Applicants' respectfully request the rejections in the Office Action mailed April 25, 2007, be removed.

A supplemental Information Disclosure Statement is submitted with this reply to comply with the requirements under 37 C.F.R. §1.97. The filing of the supplemental Information Disclosure Statement shall not be construed as an admission against interest in any manner, and shall not be construed as a representation that Applicants or Applicants' representatives have full or personal knowledge of the contents of the listed references or any events surrounding the documents.

Applicants submit that amendments provided with this paper are those that adopt Examiner suggestions, cancel claims and comply with requirements of form expressly set forth in the final Office Action mailed April 25, 2007, and/or present rejected claims in better form for consideration before appeal.

Conclusion

Applicants respectfully submit that the pending claims provided in the Listing of Claims beginning on page 3 of this paper are in condition for allowance. Accordingly, favorable consideration for and allowance of all claims are respectfully requested.

Fees that accompany a Request for Continued Examination, a Petition for Extension of Time, and a supplemental Information Disclosure Statement are submitted herewith. To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 129843-1051.

In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicants respectfully request that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account.

Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 214-999-4330. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application and/or place the application in condition for allowance.

This is intended to be a complete response to the Office Action mailed April 25, 2007

Attorney Docket No. HARD1.033A (129843-1051)
Customer No. 60148

AMENDMENT AND RCE
Application No. 10/090,060

8

**Please direct all correspondence to the practitioner listed below at Customer No.
60148.**

Respectfully submitted,

Monique A. Vander Molen

Monique A. Vander Molen
Registration No. 53,716
Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
(214) 999- 4330 – Telephone
(214) 999- 3623 – Facsimile

Dated: July 30, 2007